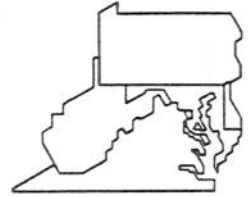




U.S. DEPARTMENT OF EDUCATION

3535 MARKET STREET  
PHILADELPHIA, PENNSYLVANIA 19104



REGION III

STUDENT FINANCIAL  
ASSISTANCE PROGRAMS  
ROOM #16200

February 6, 1998

Dr. Judith Rodin  
President  
University of Pennsylvania  
3451 Walnut Street  
Philadelphia, PA 19104

PRCN: 199730314575

Dear Dr. Rodin:

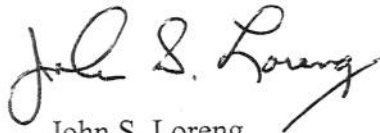
During the course of the past year, Mr. John Loreng, Co-Team Leader; Ms. Nancy Della Vecchia, Institutional Review Specialist; Ms. Suzanne Wood, Systems Coordinator; and Mr. James Moore, Institutional Review Specialist, conducted a review of the University of Pennsylvania's (the University) compliance with the Crime Awareness and Campus Security Act of 1990 (the Act). The findings of that review are presented in the enclosed report.

Our review disclosed several areas where the University needs to improve its compliance with the requirements of the Act. These are described in detail in the enclosed report. Findings of noncompliance are referenced to the applicable Federal law and regulations. The corrective actions required are designed to assist the University to come into compliance with the law and regulations. Please review and respond to this report, indicating the corrective actions taken by the University, within thirty (30) days of your receipt of this report.

This report contains required actions that necessitate the development and implementation of various policies and procedures, as well as, specific amendments to the University's 1997 Campus Security report. It is important that the individuals charged with the responsibility for administering the provisions of the Act fully understand the requirements of the Act, and the data used by the University for the statistical disclosures required.

As the University develops and revises its campus security policies and procedures, additional guidance may be requested. Please contact the Philadelphia Case Team at (215) 596-0247 for additional assistance. We look forward to your cooperation throughout this process.

Sincerely,

A handwritten signature in black ink, appearing to read "John S. Loreng". The signature is fluid and cursive, with the first name "John" and last name "Loreng" clearly distinguishable.

John S. Loreng  
Co-Team Leader  
Case Management Division Northeast (Phila)

Enclosure  
As Stated

cc: Ms. Brenda Fraser  
Associate General Counsel

Mr. John Fry  
Executive Vice President

## **Institutional Review Data Sheet**

**University of Pennsylvania  
3451 Walnut Street  
Philadelphia, PA 19104**

<b>DATES OF REVIEW:</b>	June 30, 1997 - October 10, 1997
<b>YEARS REVIEWED:</b>	1994, 1995, and 1996
<b>OPE ID #:</b>	00337800
<b>EIN #:</b>	1231352685A1
<b>TYPE AND CONTROL:</b>	Private/Four Year
<b>ACCREDITATION:</b>	Middle States Association of Colleges and Schools
<b>METHOD OF FUNDING:</b>	Advance Payment
<b>ED REVIEWERS:</b>	Mr. John Loreng Ms. Nancy Della Vecchia Mr. James Moore Ms. Suzanne Wood

### **INSTITUTIONAL OFFICIALS CONTACTED:**

Ms. Brenda Fraser, Associate General Counsel  
Ms. Shelley Green, General Counsel  
Mr. John Fry, Executive Vice President  
Mr. Thomas Seamon, Managing Director of the Division of Public Safety  
Lt. Joseph Weaver, Administrative Manager for the Division of Public Safety  
Mr. George Clisby, Director of Administration  
Ms. Susan Hawkins, Director of Victim Support and Special Services  
Ms. Maureen Rush, Chief of Police Operations  
Lt. Susan Holmes, Victim Support and Special Services  
Ms. Linda Koons, Executive Assistant to the Provost  
Ms. Ellie DiLapi, Director of the Women's Center  
Ms. Michelle Goldfarb, Director of the Office of Student Conduct  
Mr. Scott Letterman, Treasurer  
Ms. Karen Winkler, Records Unit  
Ms. Sheniqua Green, Records Unit

## INTRODUCTION

### A. BACKGROUND

The University of Pennsylvania (the University) currently enrolls nearly 22,000 students in 16 undergraduate and graduate schools. The University and its programs are fully accredited by the Middle States Association of Colleges and Schools. Situated on 262 acres, the University's urban campus consists of more than 120 buildings located throughout West Philadelphia.

### B. BACKGROUND INFORMATION

In early October 1996, *The Philadelphia Inquirer* published the first in a series of articles which discussed issues involving campus crime reporting and student safety at the University of Pennsylvania. The Crime Awareness and Campus Security Act of 1990 requires participating Title IV, HEA institutions to publish complete and accurate campus crime statistics to students, parents and employees. On November 25, 1996, *The Philadelphia Inquirer* published a front page article entitled "How Safe is Penn? Depends On Whose Tally" which focused on the University's interpretation of "campus" and its impact on Federal campus crime reporting.

Specifically, the November 25, 1996 article disclosed that an internal printout obtained by the newspaper from the University's Police database showed 181 robberies occurring within its patrol area during 1995. In contrast, the University's Federal Campus Security Report (CSR) showed only 18 robberies on campus during that year. The implication of the article was that the ten-fold difference was the result of a narrow application of the term "campus" by the University.

The U.S. Department of Education (the Department) is responsible for conducting oversight of the administration of the Title IV, HEA programs at participating institutions. This responsibility includes the monitoring of an institution's compliance with the requirements of the Crime Awareness and Campus Security Act (the Act). Thus, when information of this nature comes to the attention of the Department, it is Department practice to make an inquiry and a determination regarding appropriate action. In this instance, the Department determined that a focused program review of the University of Pennsylvania's compliance with the Act was appropriate.

### C. SCOPE OF REVIEW

An on-site review was conducted at the University between June 30, 1997 and October 10, 1997, and at the regional office in Philadelphia prior to June 30, 1997, to examine the University's compliance with the Student Right to Know and Campus Security Act of 1990. The review consisted of an examination of the University's policies and procedures relative to the annual Campus Security Report required by law. The review team examined the University's Campus Security Reports for 1995 and 1996, covering

statistics reported for 1994, 1995, and 1996, the supporting documentation for the statistics and policies presented in this report, as well as other relevant documentation held by the University's Police Department. University officials were interviewed during the on-site review.

In light of the *The Philadelphia Inquirer* article referenced above, this review examined whether the University defined "campus" narrowly so as to exclude from its Campus Security Reports crimes known to the campus Police Department. Under the Campus Security Act, institutions are obligated to report statistics "concerning the occurrence on campus" of specified certain crimes. 34 CFR 668.47(a)(6). Campus is defined as any "property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes". 34 CFR 668.47(f).

As part of the review, the review team asked for a printout of all robberies recorded by the University Police Department for 1995. The printout disclosed a total of 204 robberies for 1995 (17 of these were classified as on-campus), rather than 181 (18 on-campus) as reported by *The Philadelphia Inquirer*. University officials explained that the different numbers reflected investigations completed by the University's Police Department since the time the newspaper had obtained its copy of the robbery printout.

The review team determined that the robbery printout included robberies for the entire area patrolled by the University Police Department. The patrol area is from the Schuylkill River west to 43rd Street, and from Market Street south to Baltimore and University Avenues. This patrol area, however, encompasses a territory larger than the University's "campus" as that term is defined under the Campus Security Act regulation. It was confirmed in interviews that for the purpose of reporting crime statistics in the Federal Campus Security Report (CSR), the University used the definition of "campus" as required by regulation. Upon further review of the robbery report, the team identified no instances of noncompliance with the Campus Security disclosure requirements as a result of the University's application of the Federal definition of "campus" to the 204 robberies reported for the entire patrol area.

During the visit, some areas of noncompliance were noted. Findings of noncompliance are referenced to the applicable statutes and regulations and specify the actions to be taken by the University to come into compliance with the requirements of the Act and the regulations.

Although this review of the University's implementation of the requirements of the Act was thorough, it cannot be assumed to be all-inclusive. The absence of statements in the report concerning the institution's specific practices and procedures must not be construed as acceptance, approval, or endorsement of those specific practices and procedures. Furthermore, it does not relieve the University of Pennsylvania of its obligation to comply with all of the statutory or regulatory provisions governing the Act or the Title IV, HEA programs.

**D. FINDINGS AND REQUIREMENTS**

**Finding # 1: Hate Crime Statistics Not Included In Campus Security Report**

The University of Pennsylvania's Campus Security Report for 1995 and 1996 did not include the number of bias-related crime incidents.

20 U.S.C. § 1092(f)(6) and 34 CFR § 668.47(a)(6)(ii) require that an institution's annual campus security report include statistics of Part 1 crimes as defined by the Uniform Crime Reporting (UCR) system that meet the criteria prescribed by the Hate Crime Statistics Act. 28 USC § 534. Statistics concerning the criminal offenses of murder, forcible rape, and aggravated assault that manifest evidence of prejudice based on race, religion, sexual orientation, or ethnicity must be classified as hate crimes.

Failure to collect and distribute accurate and complete campus security statistics and failure to distribute its campus security policies to current and prospective students and employees deprives the campus community of important security information.

**Reference**

Crime Awareness and Campus Security Act of 1990, Pub. L. 101-542,  
20 U.S.C. § 1092(f), as amended.  
Hate Crime Statistics Act, Pub. L. 101-275, 20 U.S.C. § 534, as amended.  
34 CFR § 668.47(a)(6)(ii)(1997).

**Requirement**

As a result of this finding, the University is required to amend its Campus Security Report due September 1, 1997 for the requisite three calendar years to include those incidents that meet the regulatory definition of a "hate crime." After correcting the statistics, the University is required to distribute the amended report to all current students and employees. The University must also provide the amended report to all prospective students and employees who request such information. In addition, the University must provide this office with a copy of the amended report with its response to this program review report.

**Finding # 2: Failure To Report Specific Incidents**

**A.** The University did not include in its 1994 statistics, a rape which was reported to the Director of Victim Support and Special Services, on November 20, 1994. The Director's handwritten notes, dated November 20, 1994, show that the reported rape occurred on November 18, 1994, in a University of Pennsylvania dormitory. However, the



University's Campus Security Report shows zero rapes as occurring on campus during calendar year 1994.

Federal regulations require that institutions publish statistics concerning the occurrence on campus<sup>1</sup> of the following criminal offenses reported to local police agencies or to any official of the institution who has significant responsibility for student and campus activities: murder, rape, robbery, aggravated assault, burglary, and motor-vehicle theft. 34 CFR § 668.47(a)(6)(i).

Prior to the commencement of the exit interview on September 24, 1997, the review team was advised that the University decided during the summer 1997<sup>2</sup> that the reported November 18, 1994 incident should have been included in the 1994 crime statistics and that the Campus Security Report would be altered to include the incident.

Previously in correspondence dated January 14, 1997, the University indicated to the Department that its practice is to publish the Campus Security Report due by September 1 in March of that same year. The review team later confirmed this practice with Associate General Counsel. However, the institution's practice of publishing its report early does not relieve the University of the regulatory responsibility to publish and distribute accurate crime statistics to its students and employees, in accordance with the timeframes established under 34 CFR § 668.47(a). Although the University determined during the summer of 1997 that the rape which occurred on November 18, 1994, should have been included in the 1994 crime statistics, the institution offered no indication that it has taken corrective action to ensure that it met its regulatory obligation to publish and distribute a Campus Security Report containing accurate crime statistics by September 1, 1997.

The University has posted the above mentioned March 1, 1997 report on its web site at <http://www.upenn.edu/almanac/v43/n31/safety.html>. In correspondence to the Department dated November 26, 1997, the University represents the Internet site as a means of providing the campus security report to both current and prospective students and employees. The web site has not been updated to include the November 18, 1994 rape.

On January 7, 1998, the University provided to the review team a copy of an amended Campus Security Report which is revised to include the reported November 18, 1994 incident. However, as of the date of this report, the University has not indicated it has or will properly re-distribute the corrected Campus Security Report. See Findings Nos. 5

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<sup>1</sup> The Federal definition of "campus" is any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes.

<sup>2</sup> Before the exit interview on September 24, 1997, Associate General Counsel explained to the review team that the University had decided "over this past summer" that the statistic should have been included.

and 6 on proper distribution. Hence, the Department is forced to conclude that although the University is fully aware that the crime statistics contained in its 1997 report are inaccurate, it has not completed requisite corrective action.

B. The University did not include eight separate liquor law violations which occurred on campus in April 1996. In each of these instances, the Liquor Control Enforcement (LCE) Board, a division of the Pennsylvania State Police, issued a citation to the offender and each of these violations is documented in the University's Division of Public Safety database. However, the University's 1996 Campus Security Report does not include the following incidents:

**Liquor Control Enforcement (LCE) - Citations (On-Campus)**

Date	Incident Number	Location	Description
96/04/20	11925	3900 Locust St	LCE cited underage
96/04/19	11811	Dining Commons	LCE cited underage
96/04/19	11824	Sigma Phi Epsilon	LCE cited student
96/04/19	11830	3900 Blk Locust St	LCE person cited underage no affil
96/04/19	11834	3900 Blk Locust St	LCE underage drinking cited
96/04/20	11837	37th & Locust St	LCE cited 2 underage
96/04/20	11844	3900 Locust St	LCE issued citation for underage drink
96/04/18	11678	3700 Locust St	inv/under age/citation issued

During an interview on July 8, 1997, the Executive Vice President had previously explained to the review team that the University had "invited" the Liquor Control Enforcement Board on campus to help the University Police deal with the on-campus drinking which traditionally occurs during "Spring Fling". During that time period LCE issued eight citations for underage drinking on campus which are maintained in the University's database as shown above.

The University's Managing Director of the Division of Public Safety confirmed on two separate occasions, September 24, 1997 and October 10, 1997, that a citation constitutes an arrest.

Federal regulations require that an institution include in its annual Campus Security Report statistics concerning the number of arrests for liquor law violations, drug abuse violations, and weapons possessions occurring on campus. 34 CFR § 668.47(a)(8)(i).

However, despite the University's recognition that drinking on campus is a problem, as evidenced by its invitation to LCE; the University's awareness of the specific incidents, as evidenced by the inclusion in its database; and the professional opinion of the individual charged with ultimate responsibility for the accuracy of the Campus Security Reports, which holds that a citation constitutes an arrest; the University did not incorporate these liquor law violations into its annual Campus Security Report.



## Reference

Crime Awareness and Campus Security Act of 1990, Public Law 101-542,  
20 U.S.C. § 1092(f), as amended.  
34 CFR § 668.47(a)(8)(i)(1997)

## Requirement

Federal regulations require that institutions publish accurate statistics concerning the occurrence on campus of the following criminal offenses reported to local police agencies or to any official of the institution who has significant responsibility for student and campus activities: murder, rape, robbery, aggravated assault, burglary, and motor-vehicle theft. 34 CFR § 668.47(a)(6)(i).

The University is required to amend the Campus Security report which was due September 1, 1997, to include the November 18, 1994 rape, as well as the various 1996 liquor law violations and any Hate Crimes responsive to Finding No. 1. However, in addition to correcting the statistics, the University is required to re-issue the amended report to all current students and employees. The University must provide the amended report to all prospective students and employees who request one. In addition, the University must provide the Department with a copy of the amended report along with its response to this program review report.

### **Finding # 3: Failure To Complete Separate Statistics For Separate Campuses**

The University did not complete nor publish separate campus security statistics for its non-contiguous geographic locations.

Federal regulation requires that an institution comply separately with the requirements of 34 CFR § 668.47 for each campus. A branch, school, or administrative division within an institution which is not within a reasonably contiguous geographic area with the institution's main campus is considered to be a separate campus. 34 CFR § 668.47(c).

Both the Morris Arboretum and the New Bolton Center are sites of the University, which are not reasonably contiguous to the main campus but are used for educational purposes.

A University memorandum, dated January 8, 1993,<sup>3</sup> states that its Campus Security Report will include crime statistics for the Morris Arboretum and New Bolton Center. Based upon an analysis of institutional records and interviews with institutional officials, this practice was confirmed - one Campus Security Report is compiled without distinguishing between different locations including the non-contiguous sites.

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<sup>3</sup> This memo was provided to the Department under a cover letter dated February 4, 1997. This letter was provided by the University as a supplement to the institution's original response to the Department's December 12, 1996, inquiry regarding the University's implementation of the Campus Security Act.

However, these sites meet the Federal regulatory definition of a separate campus, and as such, the University should report separate statistics for these locations.

### Reference

Crime Awareness and Campus Security Act of 1990, Pub. L. 101-542,  
20 U.S.C. § 1092(f), as amended.  
34 CFR § 668.47(c)(1997).

### Requirement

Federal regulation requires that an institution comply separately with the requirements of 34 CFR § 668.47 for each campus. A branch, school, or administrative division within an institution which is not within a reasonably contiguous geographic area with the institution's main campus is considered to be a separate campus. 34 CFR § 668.47(c).

The University must report *separate* campus security statistics, which include all reportable categories for all non-contiguous locations. In addition, the report must separately identify each location and separately identify the crime statistics by location. In all other aspects the report must comply fully with the requirements of 34 CFR § 668.47. The University must complete this report for 1997 and provide this report to all current students and employees, as well as to all prospective students and employees who request a copy. The University must provide a copy of this report with its response to this program review report.

### Finding # 4: Failure To Include Statistics For All Campus Locations

The University of Pennsylvania's Campus Security Report does not include statistics for all campus locations. Specifically, the University's report does not include statistics for the Hospital of the University of Pennsylvania (HUP). A review of the University's Records Unit's database shows numerous incidents of crime which occurred at HUP during calendar years 1994, 1995, and 1996. These incidents are consistently coded as "off-campus" and are not included in its Campus Security Report.

Federal regulations require that institutions report statistics concerning the occurrence on campus of specific crimes. 34 CFR § 668.47(a)(6)(i). Federal regulations further define a campus to be any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes. 34 CFR § 668.47(f).

HUP is owned by the University; it is contiguous to other areas of the campus and it is used by the University in direct support of its educational purpose. The University of Pennsylvania School of Medicine, 1996-97 Bulletin states: "The Hospital of the

University of Pennsylvania (HUP) was the first hospital in the country specifically built by a university to provide bedside teaching for its medical school. Since the first patient was admitted in 1874, the Hospital has provided the medical students with their chief source of clinical experience. Activities of the Hospital and the School of Medicine have remained closely integrated throughout the years and the physicians on the Hospital staff are members of the School's faculty."

The University memorandum dated January 8, 1993, previously referenced on page 6, states: "Crime statistics will include the Morris Arboretum, New Bolton Center, and the West Philadelphia campus, including the Hospital." However, based on an analysis of the University's database and interviews with University officials, the statistics for HUP are not included in the Campus Security Report.

### Reference

Crime Awareness and Campus Security Act of 1990, Pub. L. 101-542,  
20 U.S.C. § 1092(f), as amended.  
34 CFR § 668.47(f)(1)(1997).

### Requirement

Federal regulations require that institutions report statistics concerning the occurrence on campus of specific crimes. 34 CFR § 668.47(a)(6)(i). Federal regulations further define a campus to be any building or property owned or controlled by an institution within the same reasonably contiguous geographic area and used by the institution in direct support of, or in a manner related to, the institution's educational purposes. 34 CFR § 668.47(f).

The University is required to amend its Campus Security Report, which was due September 1, 1997, to show accurate statistics for the three requisite calendar years, including those incidents which occurred at HUP. After correcting the statistics, the University is required to re-issue the amended report to all current students and employees. The University must provide the amended report to all prospective students and employees who request one. In addition, the University must provide the Department with a copy of the amended report along with its response to this program review report.

### **Finding # 5: Failure To Notify All Prospective Students Of The Availability Of The Campus Security Report**

The University did not distribute the Campus Security Report to all prospective students.

Federal regulations require that institutions inform prospective students and employees of the availability of its annual campus security reports, give a summary of its contents,

give those individuals an opportunity to request the report, and provide a copy of the report, upon request. 34 CFR § 668.47(b)(2).

On February 4, 1997, the University submitted its supplemental response to the Department's December 12, 1996 letter. Enclosed with the February 4, 1997 letter was a copy of an internal University of Pennsylvania memorandum dated January 8, 1993, from the Executive Assistant to the Provost. The January 8, 1993 memo states "New students--and applicants--will receive the reports in their admissions application materials". In an effort to verify this practice the review team requested an application package. The application package which was provided to the review team on July 3, 1997, did not contain any mention of the existence of, or the availability of the Campus Security Report.

Subsequently, the review team requested from the University a statement defining how it meets the requirements of 34 CFR § 668.47(b), which requires an institution to notify all prospective students regarding the availability of the Campus Security Report. In response, the University provided the requested statements from the following schools: Undergraduate Admissions, the Graduate Division, the School of Dental Medicine, the Law School, the Medical Center, the School of Veterinary Medicine, and the Wharton School.

The School of Dental Medicine, the Law School, the Medical Center, the School of Veterinary Medicine, and the Wharton School all stated that the primary means of notifying prospective students is by various school web sites. In addition, each of the schools stated that it intends to include a notification statement in its future publications. However, posting notification regarding the availability of the Campus Security Report to a web site does not constitute active notice to prospective students. Federal regulations clearly place this burden on the institution by requiring that prospective students be directly informed. Furthermore, there are certainly students who contact the University through channels other than the web site. The University did not provide the Department with documentation addressing how it ensures that these students are also notified of the availability of the Campus Security Report. This lack of information coupled with the statement from each school that it intends to include such a statement in future publications, forces the Department to conclude that these schools do not currently have a policy in place which assures that all prospective students who contact the University for information regarding admissions, regardless of the means by which they contact the University, receive notification of the availability of the Campus Security Report.

## **Reference**

Crime Awareness and Campus Security Act of 1990, Pub. L. 101-542,  
20 U.S.C. § 1092(f), as amended.  
34 CFR § 668.47(b)(2)(1997).

## Requirement

Federal regulations require that institutions inform prospective students and employees of the availability of the annual Campus Security Report, give a summary of its contents, give those individuals an opportunity to request the report, and provide a copy of the report, upon request. 34 CFR § 668.47(b)(2).

The University is required to add the notification statement to its other publications as anticipated in the correspondence provided to the Department on November 26, 1997. The University must provide copies of these documents, with the notification statement incorporated, to this office, with its response to this program review report.

## Finding # 6: Failure To Provide Campus Security Report To All Current Students

The University did not provide a copy of the annual Campus Security Report to all current students.

Federal regulations require that institutions distribute the annual Campus Security Report to all current students and employees through direct mailings to each individual through the U.S. Postal Service, campus mail, or computer network, or through publications provided directly to each individual. 34 CFR § 668.47(b)(1).

The January 8, 1993 memorandum states: "In order to reach current faculty, staff, and students, the March 1 report and future September 1 reports will be published in *The Daily Pennsylvanian*, *HUPDate*, and *Almanac*." Based on interviews with institutional officials, the review team was advised that the report was distributed to current students through the *Almanac*, inserts in *The Daily Pennsylvanian*, and was available on the Internet. In addition, copies of the report are available in various campus buildings. However, each of the aforementioned methods relies on the initiative of the student in obtaining a copy of the report; none constitutes a direct and active distribution to each individual. Federal regulations clearly place this burden on the institution by requiring a direct distribution to each individual, to ensure that every student receives a copy of the Campus Security Report.

## Reference

Crime Awareness and Campus Security Act of 1990, Pub. L. 101-542,  
20 U.S.C. § 1092(f), as amended.  
34 CFR § 668.47(b)(1)(1997)

## Requirement

Federal regulations require that institutions distribute the annual Campus Security Report to all current students and employees through direct mailings to each individual through

the U.S. Postal Service, campus mail, or computer network, or through publications provided directly to each individual. 34 CFR § 668.47(b)(1).

The University is required to develop a policy and procedure which will ensure a direct delivery of the Campus Security Report to all current students and employees. The University must provide the Department with a copy of this policy. In addition, the University must designate an appropriate University official to ensure that all current students and employees have received a copy of the report due September 1, 1997, corrected as required under Findings Nos.1-4, and to provide a statement certifying to that effect to the Department, with its response to this program review report.